

REMARKS

Reconsideration of the above-identified patent application, as amended herein, is respectfully requested.

Upon entry of this Amendment, claims 98-108 will be pending. Of these, only claim 98 is independent.

In the Office Action dated February 2, 2004, the Examiner rejected claims 98-108 under 35 U.S.C. 102(e) as being unpatentable over "BJM Central -- The Internet-Based Enterprise Property Management Solution," hereinafter "BJM." The Examiner noted certain features of the claimed invention which are allegedly disclosed in the BJM prior art reference.

The undersigned and Mr. Gerald Kestenbaum, the inventor herein, wish to thank Examiners Narerssh Vig and John Weiss for the courtesies extended to them at a personal interview conducted on May 5, 2004. At that interview, the operation of a commercial embodiment of the claimed invention, known as BuildingLink was demonstrated. In addition, the BJM prior art reference was extensively discussed.

In particular, it was pointed out that the BJM prior art reference does not disclose a collaborative communications and task management system which is accessible by residents, managers, and the staff of a building. Rather, BJM discloses a financial accounting system which is accessible by a building manager via the Internet so that he/she may work from his/her home, office or elsewhere. This financial accounting system is accessible only by a building manager in order to keep track of those tasks of

concern to a building manager, such as keeping track of rent payments. There is no disclosure therein of a collaborative communications system for the exchange of information and task management which is accessible by the residents, the staff, and a building manager of a building.

With regard to the statement appearing on page 7 of BJM referring to “integration of office automation applications, including e-mail, fax, and word processing,” it was pointed out that this statement does not disclose a feature of the BJM system. Rather, page 6 of BJM states that this is one of the “issues of particular importance” to a building manager working from his/her home office. In other words, a building manager working from his/her home office would like to have access to e-mail, fax, and word processing while working at his/her home computer. However, there is absolutely no disclosure in BJM of any integration of e-mail, fax, or word processing into the financial accounting system of the BJM disclosure. Thus, when one looks into the body of the BJM disclosure, there are no screen shots showing e-mail, fax, or word processing built into the software package of the BJM system. Therefore, this “integration” feature is not taught as part of BJM and, furthermore, the BJM reference is not enabling for these functions being integrated into the BJM software package.

To emphasize the differences between the BJM software package and the presently claimed invention, three letters were shown at the interview and copies thereof are attached as Exhibits A, B, and C to the presently submitted Declaration of Gerald I. Kestenbaum. These letters are from building managers who have purchased and used

BuildingLink. The authors of these letters state therein that they are familiar with the BJM system. All of the authors state that the BuildingLink system performs a different set of functions which are not available from the BJM system. Furthermore, they all state that they have purchased the BuildingLink system even though they have already own either BJM or a system with similar functionality.

In addition, the Declaration of Mr. Kestenbaum also attests to the very high level of commercial success achieved by BuildingLink. Specifically, Mr. Kestenbaum attests that the BuildingLink has been installed in over 225 buildings nationwide including over 170 buildings in the New York City area since its introduction into the marketplace in July 2000.

In order to further distinguish applicant's claimed invention over BJM as well as an ordinary e-mail messaging system, claim 98 has been amended to recite that the exchange of information is limited to tenants, staff, and a building manager of a building. During the interview, the Examiners agreed that, subject to further searching, this Amendment would distinguish claim 98 over the prior art of record as well as an ordinary e-mail messaging software system.

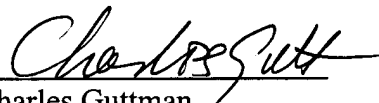
Finally, at the interview, it was pointed out that some of the dependent claims distinguish over the prior art of record as well as an ordinary e-mail system irrespective of the patentability of claim 98. Specifically, claim 100 specifies that the database includes a library of documents relating to the building which documents are accessible for viewing, storing, and editing by the tenants, staff and building manager. Claim 101

specifies that the communication among the tenants, staff, and building manager comprises information or an instruction to a member of the staff located at a front desk or front gate of the building. Similarly, claims 102-104 specify that the communication involves certain task management specific to building management. Accordingly, it is believed that the dependent claims are patentable over the prior art of record as well as an ordinary e-mail system irrespective of the patentability of claim 98.

In view of the foregoing, it is believed that the application is now in condition for allowance and a favorable action on the merits is respectfully requested. It is also respectfully requested that, in order to expedite prosecution of this application, the undersigned be contacted at the telephone number indicated below before issuance of another Office Action if the Examiner intends to apply a new prior art reference against the current claims.

Respectfully submitted,

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Enclosure: Declaration of Gerald I. Kestenbaum w/Exhibits